

STATE OF NEW HAMPSHIRE

LAND SALES FULL DISCLOSURE ACT

APPLICATION FOR EXEMPTION FROM REGISTRATION

PURSUANT TO RSA 356-A:3, II

FIFTY LOT EXEMPTION

Section I. Application for exemption from registration pursuant to RSA 356-A:3, II and JUS 1304.08, Fifty Lot Exemption

Section II. Applicant's Affidavit/Affirmation

Section III. Certificate of Resolution

Section IV. Certificate of Appointment

Section V. Requirements for Purchase and Sale Agreements

A filing fee in the amount of two hundred dollars (\$200), payable to the State of New Hampshire, must accompany this application.

NOTE: All questions must be answered. Additional pages may be added if necessary to provide complete and comprehensive answers.

Applicant may add such further information as is germane and material to fully describe the proposed offering.

THIS APPLICATION MAY NOT BE FILED IF THE SUBDIVISION MAY HAVE MORE THAN 50 LOTS, PARCELS, UNITS OR INTERESTS AT ANY TIME IN THE FUTURE. EXEMPTION FROM REGISTRATION MAY BE DENIED IF OFFERS OR SALES OF ANY LOTS, PARCELS, UNITS OR INTERESTS OCCUR PRIOR TO OR DURING THE PENDENCY OF AGENCY REVIEW OF THIS APPLICATION.

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION AND ANTITRUST BUREAU
33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301 Tel. (603) 271-3641

8327

Form CPLSI22
(January, 2002)

SECTION I

APPLICATION FOR EXEMPTION FROM REGISTRATION
PURSUANT TO RSA 356-A:3, II AND JUS 1304.08, FIFTY LOT EXEMPTION

Date_____

I. Applicant

a. Applicant's name and address:

b. Form, date and jurisdiction of organization:

c. Address of each of the organization's offices in the State of New Hampshire:

d. The following information is required for each director, officer or partner in the organization and each person having ownership interest in the organization (attach additional pages as necessary):

Name:

Maiden family name:

Date of birth:

Place of birth:

Current residence address:

Principal occupations for the past five years:

Name:

Maiden family name:

Date of birth:

Place of birth:

Current residence address:

Principal occupations for the past five years:

e. Relationship of applicant to subdivision, i.e., owner, developer or agency. If applicant is not the owner, list name and address of owner.

f. Name and address of the person to whom correspondence is to be directed:

g. State whether applicant, owner, developer or agent is affiliated with any other subdivision or condominium, existing or proposed, in New Hampshire.

Yes ____ No ____

If yes, list name(s) and location(s) of such subdivision or condominium. Indicate if exempted from registration pursuant to RSA 356-A:3, II or RSA 356-B:49.

h. State whether the subdivider or any officer, director or partner of the subdivider or anyone with an ownership interest in the subdivider has been convicted of any felony in New Hampshire or elsewhere.

Yes ____ No ____

If yes, please identify the individual and explain in detail, giving the date, jurisdiction, and the crime of which the person was convicted:

i. State whether the subdivider or any officer, director or partner of the subdivider or anyone with an ownership interest in the subdivider has been the subject of a cease and desist order, revocation, assurance of discontinuance, injunction or similar enforcement order relating to illegal condominium or land sales activity in New Hampshire or elsewhere.

Yes ____ No ____

If yes, please identify the individual and explain in detail, giving the date, jurisdiction, and basis for each such revocation or order:

j. State whether the subdivider is registered to do business in New Hampshire and, if applicable, to use a trade name. Attach as Appendix A copies of any evidence of registration to do business and/or to use a trade name:

k. State whether the subdivider has filed, or has made arrangements to file, required quarterly tax estimates relating to the business profits tax (RSA 77-A) with the Department of Revenue Administration of the State of New Hampshire:

2. Subdivision

a. Common promotional name:

b. Location: _____
City or Town State

County

c. Number of lots, parcels, units or interests in this filing:

Lots: Parcels:

Units: Interests:

d. Sequential list of lots, parcels, units or interests for which exemption is being sought.

e. Total number of lots projected to be developed in the subdivision:

f. Identify the lots in this filing which consist of five (5) or more acres:

g. State whether any of the lots in this filing have been offered or disposed of, within the meaning of RSA 356-A:4. Disposition includes entry into a purchase and sale agreement.

Yes ____ No ____

If yes, identify each such lot, the name and address of the purchaser and date offered or sold.

h. State whether the subdivision's boundaries have been laid out by a registered land surveyor:

Yes ____ No ____

If yes, identify the surveyor by name and address.

i. State whether all of the individual lots in this filing have been staked.

3. Subdivision - Phases

a. Is the subdivision being developed in phases?

Yes ____ No ____

b. If yes to "a", state the number of phases and list sequentially the lots, parcels, units or interests in each phase.

c. Projected date(s) of completion of each phase:

4. Subdivision - Title Restrictions

a. Is there clear title to each lot for which exemption is being sought?

Yes ____ No ____

If no, please explain.

b. Are there any financial liens or encumbrances on any lot for which exemption is being sought?

Yes ____ No ____

If yes, please explain and attach as Appendix B copies of the mortgage, lien or other document evidencing the financial encumbrance(s).

c. If there are any financial liens or encumbrances on any lot for which exemption is being sought, explain how the subdivider will be able to convey or cause to be conveyed good and marketable title to the interests offered for disposition if the purchaser complies with the terms of the offer.

d. Are there or will there be any covenants or restrictions affecting a purchaser's use of his lot, parcel, unit or interest?

Yes ____ No ____

If yes, please attach as Appendix C a copy of such covenants or restrictions.

5. Subdivision - Homeowners' Association, Fees, Charges

a. Is there now or will there be a homeowners' association?

Yes ____ No ____

If yes, please explain and attach as Appendix D a copy of any documents pertaining to the homeowners' association.

b. Describe any initial or recurring fees or charges the purchaser is required to pay arising from (a) his purchase or use of any lot, parcel, unit or interest in the subdivision or (b) the maintenance and management of the subdivision. Attach as Appendix E a copy of any proposed budget.

6. Subdivision - Streets - Roads

a. Are the lots for which exemption is being sought situated on accepted city or town streets?

Yes ____ No ____

7. Subdivision - Water, Sewerage Systems

a. Are the lots for which exemption is being sought serviced or to be serviced by a:

1. City or town water system? Yes ____ No ____

2. City or town sewerage system? Yes ____ No ____
3. Individual wells? Yes ____ No ____
4. Individual septic systems? Yes ____ No ____

b. Have those lots which will be serviced by individual septic systems received subdivision approval from the New Hampshire Water Supply and Pollution Control Division?

Yes ____ No ____

Attach as Appendix F copies of all applicable subdivision approvals issued by the Division.

8. Subdivision - Amenities/Recreation Facilities

a. Does the subdivision contain amenities/recreational facilities?

Yes ____ No ____

If yes, please explain in detail.

9. Improvements (Complete information must be entered)

a. Improvements which have been completed on the subdivided lands in this filing:

<u>Description</u>	<u>When Completed</u>
Graded Roads	_____
Paved Streets	_____
Water System	_____
Sewerage System	_____
Drainage	_____
Sidewalks, Curbs, Street Lighting	_____
Electrical Supply	_____
Gas Supply	_____
Telephone Service	_____
Amenities/Recreational Facilities	_____

b. Improvements which are promised in this phase:

Percent

Estimated Cost

Completion

<u>Description</u>	<u>Completed</u>	<u>To Complete</u>	<u>Date</u>
Graded Roads	_____	_____	_____
Paved Streets	_____	_____	_____
Water System	_____	_____	_____
Sewerage System	_____	_____	_____
Drainage	_____	_____	_____
Sidewalks, Curbs, Street Lighting	_____	_____	_____
Electrical Supply	_____	_____	_____
Gas Supply	_____	_____	_____
Telephone Service	_____	_____	_____
Amenities/Recrea- tional Facilities	_____	_____	_____

c. Will water, a sewerage disposal system, and electricity be extended to each lot by the time of closing?

Yes ____ No ____

If no, will the town or city be obligated to install them within 180 days of each closing?

Yes ____ No ____

If the town or city is so obligated, please attach as Appendix G evidence of its obligation.

d. If the subdivision has no central water system does the subdivider assure an adequate supply of drinkable water available to the lot year round?

Yes ____ No ____

10. Assurances

a. If any promised improvement is not completed, state whether any surety bond, letter of credit or other financial assurances have been posted with any governmental entity to secure its completion.

Note: A copy of the assurance must accompany this application as Appendix H.

b. Is the total cost of the promised improvements fully covered by the assurance?

Yes ____ No ____

If no, please explain.

c. If any promised improvement is not completed and no assurances have been posted to secure completion, describe financing available for construction of such improvement:

II. Maintenance of Roads, Sewerage and Water Systems and Other Improvements

a. State whether any governmental entity has agreed to accept maintenance of the roads, and sewerage and water systems. If no such agreement has been reached, describe the alternate arrangements which have been made to provide such maintenance. Attach as Appendix I all documents showing that a governmental entity has agreed to accept maintenance of the roads and sewerage and water systems.

b. Describe the arrangements for maintenance and repair of all improvements other than roads and sewerage and water systems.

12. Platting

a. State whether the lots, parcels, units or interests in the subdivided lands in this filing are platted of record, and if so, please attach a copy of the subdivision plan as Appendix J:

b. State whether such platting required prior approval or acceptance by any governmental entity, and if so, please identify:

c. Has the Plan been recorded in the Registry of Deeds?

Yes ___ No ___ Plan # _____ Date of Recording _____

If no, please explain.

d. If the name on the Plan is other than that of the applicant, please explain.

13. Nature of Purchaser's Ownership Interest

- a. Will purchasers be conveyed a fee simple interest?

Yes ____ No ____ If no, please explain.

b. Attach as Appendix K a copy of the sample Purchase and Sale Agreement. (Note that the Agreement must contain certain promises and disclosures outlined in Section V.)

c. Attach as Appendix L a copy of the sample Warranty Deed to be used in conveying interests in this subdivision.

14. Regulation by Governmental Entity

- a. Is the subdivision regulated by any governmental entity?

Yes ____ No ____ If yes, identify.

Attach as Appendix M copies of all governmental approvals and permits.

Examples: City Engineer, Planning Board, Zoning Board, Building Inspector, NH Water Supply and Pollution Control Division, and NH Wetlands Board.

- b. Describe regulation(s):

15. Time Sharing

- a. Are "time sharing interests" (as defined below) involved?

Yes ____ No ____

"Time Sharing interest" means the exclusive right to occupy one or more lots, parcels, or units for less than 60 days each year for a period of more than 5 years from the date of execution of an instrument for the disposition of such right, regardless of whether such right is accompanied by a fee simple interest or a leasehold, or neither of them, in said lots, parcels or units. Time sharing shall include "Interval Ownership Interest," "Vacation License" or any other similar term. (RSA 356-A:1, XVI)

SECTION II

APPLICANT'S AFFIDAVIT/AFFIRMATION

I, _____, of _____
(Address)

_____ being duly sworn, depose and say that I am authorized to make and file this application for exemption from registration, and that I have examined said application and the information contained herein including the documents attached hereto and certify that the same is, to the best of my knowledge and belief, true, correct and complete in all respects.

(Date)

(Signature)

(Title)

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20 __.

Justice of the Peace/Notary Public

SECTION III

CORPORATE
CERTIFICATE OF RESOLUTION

I, _____ of _____,
(Name and Title) (Subdivider)

hereby certify that the following vote was adopted unanimously at a regularly (or specifically) held
and called meeting of the Board of

Directors of said corporation held on _____ at _____ a quorum
(Date) (Address)

being present and voting throughout.

Voted: to authorize _____ to make and file an application for registration
with the Office of the Attorney General, Consumer Protection and Antitrust Bureau, State of New
Hampshire, pursuant to the provisions of RSA 356-A.

Voted: to authorize an Irrevocable Appointment of the Office of Attorney General, Consumer
Protection and Antitrust Bureau, State of New Hampshire, to receive service of any legal process in
any non-criminal proceeding arising under RSA 356-A against the subdivider or any of its personal
representatives.

I, _____, also hereby certify that the above vote has not been amended or
altered and that it is presently in full force and effect.

Witness my hand and the seal of said corporation on this _____ day of
_____, ____.

Name/Title

(Seal)

Subscribed and sworn to before me this _____ day of _____, ____

Justice of the Peace/Notary Public

(Seal)

PARTNERSHIP OR OTHER BUSINESS ORGANIZATION
CERTIFICATE OF RESOLUTION

I, _____, of _____,
(Name/Title) (Subdivider)

_____ hereby certify that the following
(Address)
vote was adopted unanimously by the partners or the owners or principals,
if other form of business organization, at a meeting held on _____
(Date)

_____.
(Address)
Voted: To authorize _____ to make and file an application for Registration with
the Office of the Attorney General, Consumer Protection and Antitrust Bureau, State of New
Hampshire, pursuant to the provisions of RSA 356-A.

Voted: To authorize the Irrevocable Appointment of the Office of the Attorney General,
Consumer Protection and Antitrust Bureau, State of New Hampshire, to receive service of any legal
process in any non-criminal proceeding arising under RSA 356-A against the subdivider or any of its
personal representatives.

I, _____, also hereby certify that the above vote has not been amended or altered
and that it is presently in full force and effect.

Witness my hand on this _____ day of _____, _____

Name/Title

Subscribed and sworn to before me this _____ day of _____, _____

Justice of the Peace/Notary Public

(Seal)

SECTION IV

CERTIFICATE OF APPOINTMENT

Pursuant to RSA 356-A:5, I(a), _____
(Subdivider)

hereby irrevocably appoints the Consumer Protection and Antitrust Bureau, Office of the Attorney General, State of New Hampshire, agent to receive service of any lawful process in any non-criminal proceeding arising under RSA 356-A against the subdivider or any of his personal representatives.

Witness my hand and seal, if any, of the grantor, on this _____ day of _____, ____

Name/Title

Subscribed and sworn to before me this ____ day of _____, ____.

Justice of the Peace/Notary Public

(Seal)

SECTION V

REQUIREMENTS OF JUS 1304.08 AND JUS 1304.3 (7 – 16) FOR PURCHASE AND SALE AGREEMENTS

(DISCLOSURES MAY BE SET FORTH IN AN ADDENDUM TO THE AGREEMENT)

1. Describe any responsibility accepted by the town, city or homeowners' association for maintaining the road upon which the lot is located. If no such responsibility is assumed or accepted, it must be disclosed.
2. Describe any assurance made by the subdivider that potable water, sanitary sewage disposal, and electricity shall have been extended to the lot at the time of closing or whether the town or city is obligated to install the facilities within 180 days following closing. If no such assurance is made, it must be disclosed.
3. Describe any assurance made that an adequate potable water supply is available year-round and that the lot is approved for the installation of a septic tank if the subdivision has no central water or sewage disposal system. The description of the assurance shall include a statement that the assurance shall survive the passing of title. If no such assurance is made, it must be disclosed.
4. State that a warranty deed, free from monetary liens and encumbrances, shall be provided to the purchaser within 360 days after signing of the purchase and sale agreement or the agreement shall be voidable at the election of the purchaser.
5. State that the purchaser or purchaser's spouse has had an opportunity to conduct a personal on-site inspection of the lot prior to signing the purchase and sale agreement.
6. Describe any obligation of the subdivider to provide improvements, roads, sewers, water, gas or electric service or recreational amenities, which has been represented by the subdivider or agent. The description of the obligation shall include a statement that the obligation shall survive the passing of title.
7. Provide the following notice:

IMPORTANT

NOTICE OF PURCHASER'S CANCELLATION RIGHTS

New Hampshire Law provides that you have an express and unqualified right to cancel your Purchase and Sale Agreement within five (5) calendar days from the date the agreement was entered into. If you elect to cancel, you may do so by written notice thereof hand-delivered or deposited in the United States mail, return receipt requested, within the five-day period, to the subdivider or to any agent of the subdivider; provided, however, that if you elect to mail the notice of cancellation, you must also provide the subdivider with telephonic notice of cancellation within the five-day period. Such cancellation shall be without penalty and any deposit made by you must be refunded in its entirety no later than 10 calendar days from the subdivider's receipt of your written notice of cancellation.

8. Identify by name and address the person or institution holding deposits in escrow.
9. State that the purchaser has, prior to signing the agreement, been provided a copy of a good faith written estimate of the cost of carrying out the responsibility of maintaining the streets or roads

upon which the subdivision is located, if a homeowners association will be obligated to accept such responsibility. The estimate must cover the first ten years of ownership.